

JOURNAL OF THE HOUSE.

Tuesday, April 12, 2005.

Met according to adjournment, at twelve o'clock noon, with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Goodness and Truth, we begin each day with a firm resolve to serve You and the people in a conscientious, thoughtful and honorable manner. In our desire to serve You, we follow Your ways and precepts. In serving constituents, we follow the Constitution and the Golden Rule. As a people, we are grateful for the spiritual blessings which we enjoy as citizens of this grant country. In our diverse communities, we acknowledge the personal dignity and rights of each person and the freedom of all to express their views, opinions and beliefs. When we disagree on community issues and goals, public policy and cultural values, we pause to evaluate our differences in a fair manner. But as principled leaders, we remain faithful to our personal standards, commitments and religious beliefs.

Grant Your blessings to the Speaker, the members and employees of this House and and families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Ayers of Quincy.

A statement of Mrs. Harkins of Needham concerning Representative Ayers of Quincy, was spread upon the records of the House, as follows:

Statement concerning Representative Ayers of Quincy.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Ayers of Quincy, will not be present in the House Chamber for today's sitting due to a scheduling conflict. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rushing of Boston concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

Statement concerning Representative Kennedy of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to a previously scheduled medical appointment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Nyman of Hanover.

A statement of Mr. Nangle of Lowell concerning Mr. Nyman of Hanover was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Nyman of Hanover, will not be present in the House Chamber for today's sitting due to a personal family medical matter. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Nyman of Hanover.

Petition.

Mr. deMacedo of Plymouth presented a petition (subject to Joint Rule 12) of Viriato Manuel deMacedo and others relative to the installation of carbon monoxide detectors in residential buildings; and the same was referred, under Rule 24, to the committee on Rules.

Carbon monoxide detectors.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Rogers of Norwood, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security. Sent to the Senate for concurrence.

Resolutions.

Resolutions (filed with the Clerk by Mr. Murphy of Burlington) commemorating the thirtieth anniversary of the end of the Vietnam War, were referred, under Rule 85, to the committee on Rules.

Vietnam War.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Golden of Lowell, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Resolutions (filed with Clerk by Mr. DeLeo of Winthrop) forecasting the amount of tax revenue for fiscal year 2006 (House, No. 2925), were referred, under Rule 85, to the committee on Rules.

Tax revenue forecast.

Mr. Scaccia of Boston, for said committee, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. DeLeo, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Pending the question of adoption of the resolutions, Mr. Jones of North Reading and others moved that they be amended by striking out the first two paragraphs as follows:

"Whereas, section 5B of chapter 29 of the General Laws provides for the general court to adopt a joint tax revenue forecast for the ensuing fiscal year reflecting the consensus of the House and Senate committees on ways and means and the commissioner of administration; and

Whereas, section 5B of chapter 29 of the General Laws provides that such tax revenue forecast shall establish the maximum amount of tax revenue which may be considered for the general appropriation act for the ensuing year; and"; and in the third paragraph by striking out the word "such" and inserting the word "a".

The amendments were adopted.

After debate on the question on adoption of the resolutions, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 127 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 21 in Supplement.]

Therefore the resolutions (House, No. 2925, amended) were adopted.

Engrossed Bill.

The engrossed Bill authorizing Shawn McCluskey and Anthony D. Fontana of the town of Billerica to take a civil service examination for any position notwithstanding the maximum age requirements (see House, No. 2796) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill authorizing the town of Westport to convey certain conservation land to the board of selectmen for the purpose of constructing a public safety complex (House, No. 1726), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Rodrigues of Westport moved that it be amended in section 1, by adding at the end thereof the following sentence: "The town shall dedicate a future open space acquisition of similar ecological and natural resource value as replacement land for the transfer authorized by this act."

The amendment was adopted; and the bill (House, No. 1726, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

An Order (filed by Mr. Scaccia of Boston) relative to the procedures for consideration of the General Appropriation Bill for fiscal year 2006 (House, No. 2926), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was considered.

Pending the question on adoption of the order, Mr. Peterson of Grafton moved that Rule 7B be suspended in order that the House might continue to debate the pending order beyond the thirty minute limit required under said rule.

Resolutions
adopted,
yea and nay
No. 21.

Bill
enacted.

Westport,
land.

Budget,
procedures.

After debate on the motion to suspend Rule 7B, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 21 members voted in the affirmative and 129 in the negative.

[See Yea and Nay No. 22 in Supplement.]

Therefore the motion to suspend Rule 7B was negated.

Mrs. Paulsen of Belmont then moved that the order be amended in proposed Rule 73C, after the words "offer it", by striking out the words "as a further amendment to the consolidated amendment" and inserting in place thereof the words "as an amendment to the budget, to be acted upon before action is taken on the consolidation amendment in the first degree". The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved that the order be amended in the third paragraph, by striking out the words "provided however, that any such amendment appropriating, earmarking or otherwise segregating revenue so enhanced or reduced by said amendment shall not be in order".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 23 members voted in the affirmative and 127 in the negative.

[See Yea and Nay No. 23 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the order be amended by striking out proposed Rule 73B.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call (Mrs. Harkins of Needham being in the Chair) 27 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 24 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved that the order be amended by in proposed rule 73B by striking out the words "This rule" and inserting in place thereof the following: "Matters relative to casino gaming, slot machines or video gaming filed pursuant to the first paragraph of Joint Rule 12 shall be reported by all committees with jurisdiction over such matters, placed on the Calendar and debated by the House prior to July 1, 2005. The first sentence of this rule".

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 41 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 25 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved that the order be amended by inserting after the third paragraph the following paragraph:

Motion to
suspend
Rule 7B
negated,
yea and nay
No. 22.

Amendment
rejected,
yea and nay
No. 23.

Amendment
rejected,
yea and nay
No. 24.

Amendment
rejected,
yea and nay
No. 25.

“Ordered, That, no consolidated amendment to the General Appropriation Act offered by the committee on Ways and Means under Rule 20A shall be considered by the House until the expiration of at least 1 hour after such consolidated amendment, in the form in which it will be considered by the House, shall have been filed with the Clerk and made available to the members in a format to be determined by the Clerk; and be it further”.

Amendment
rejected,
yea and nay
No. 26.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 25 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 26 in Supplement.]

Therefore the amendment was rejected.

Order
adopted,
yea and nay
No. 27.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 130 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 27 in Supplement.]

Therefore the order (House, No. 2926, amended) was adopted.

Mr. Jones of North Reading then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-six minutes before three o'clock P.M. (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.